

## PLANNING COMMISSION MINUTES

August 4, 2009

7:00 p.m.

Present: Chairman Clark Jenkins, Vice-Chairman Tom Smith, Dave Badham, Michael Allen, Barbara Holt, City Council Representative Beth Holbrook, City Attorney Russell Mahan, Assistant City Engineer Lloyd Cheney, Planning Director Aric Jensen, and Recording Secretary Connie Feil.

Absent: Ray Keller and City Engineer Paul Rowland.

Clark Jenkins welcomed all those present.

Tom Smith made a motion to approve the minutes for July 21, 2009 as written. Beth Holbrook seconded the motion and voting passed by majority vote. Dave Badham abstained from voting due to the fact he was not present at the meeting.

### **1. PUBLIC HEARING - Consider approving or disapproving a zone amendment from R-4 to DN located at 57 E. 400 S., Kelly Sansom, applicant.**

Kelly Sansom, applicant, was present. Aric Jensen explained that Mr. Sansom, representing Ryan Alan Christensen, owner, requests a zone map amendment from Single-Family (R-4) to Downtown (DN) for the property located at 57 E 400 South. Up until the early 80's, the subject property, and most of the area currently zoned Downtown, was zoned commercial. In approximately 1992, the previous iteration of the Downtown Zone, called the Mixed-Commercial Zone (CR), was created. The boundary of this zone was originally intended to be 100 East, 500 South, 100 West, and 400 North. However, a small number of properties along 100 East, 400 South, and 300 South requested to be excluded from the CR zone and included in the adjoining single family zone to the east. This is one of the properties that asked to be excluded.

Whenever the Planning Commission considers a request for rezone, it shall review it in accordance with the provisions of 14-2-205 AMENDMENTS TO ORDINANCE AND MAP, which are as follows:

- B. For the purpose of establishing and maintaining sound, stable, and desirable development within the City, it is declared to be the public policy that amendments shall not be made to this Ordinance or Map except to promote more fully the objectives and purpose of this Ordinance or to correct manifest errors.

Since 1992, the City has intended that this property be part of the Downtown Zone (or its predecessor, the Mixed Commercial zone). It was only at the request of the property owner in 1992 that this property was zoned to its current designation of single family. It has been the intention of the City since 1992 to eventually rezone all of the excluded properties to the

Downtown Zone at the discretion of the individual property owners. Staff can find no compelling reason to deny the proposed zone map amendment, and in fact, approving the amendment would be in accordance with the original intent of the City.

Staff recommends approval of the proposed zone map amendment from Single-Family (R-4) to Downtown (DN) for the property located at 57 E 400 South, with the finding that it has been the intent of the City since 1992 to include this parcel within the Downtown Zone.

Kelly Sansom agreed with the comments made by Mr. Jensen. Mr. Sansom explained that the property would be used for his photography studio, not living space. The property will be landscaped for photo shoots and the home will be converted to a photo studio.

The public hearing was opened for all those with comments and concerns.

Todd McCormick, residing at 485 S. 100 E., supports the proposal and feels that it is a great idea.

The public hearing was closed without further comments.

After a brief discussion Tom Smith made a motion to recommend to the City Council approval for a zone amendment from R-4 to DN located at 57 E. 400 S. Barbara Holt seconded the motion and voting was unanimous in favor.

## **2. Planning Director's report and miscellaneous business.**

Aric Jensen and Russell Mahan gave an update for the agenda for August 18, 2009. The agenda will include two public hearings, one for an amendment to Title 14, Chapter 5, and the other for a setback variance. The third item is a subdivision approval associated with the variance.

Meeting adjourned at 7:25 P.M.